

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-13837 - APPLICANT/OWNER: DFA, LLC, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. Rezoning (Z-26-98) is hereby expunged.
3. Recordation of a reversionary parcel map, commercial subdivision map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
4. A Site Development Plan Review (SDR-13833) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

5. Dedicate an additional 15 feet of right-of-way, where such does not exist, for a total half-street width of 50 feet on Bonanza Road adjacent to this site and the necessary right-of-way for a bus turn out on Bonanza Road prior to the issuance of any permits.
6. Construct all incomplete half-street improvements on Bonanza Road and Clarkway Drive and remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
7. Landscape and maintain all unimproved right of way, if any, on Bonanza Road adjacent to this site.
8. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Bonanza Road public right of way adjacent to this site prior to the issuance of any permits.

9. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-2 (General Commercial) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The item was abeyed from the 07/27/06 Planning Commission meeting to give the applicant opportunity to meet with surrounding property owners.

EXECUTIVE SUMMARY

The subject site conforms to the existing Downtown Redevelopment Area land use designations; however, some of the uses permitted by the proposed rezoning to C-2 (General Commercial) are inappropriate for the existing single family and multi-family residential uses adjacent to the north, west and east sides of the site. If approved, the site shall be re-mapped to meet all C-2 development standards, including minimum lot width, prior to the issuance of building or grading permits.

BACKGROUND INFORMATION

A) *Related Actions*

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|----------|---|
| 07/21/71 | The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. |
| 09/28/71 | The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road. |
| 06/15/94 | The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96. |
| 12/21/98 | The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date. |

- 05/21/03 The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.
- 01/18/06 The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial). The Planning Commission and staff recommended approval.
- 01/30/06 Planning and Development Department staff denied the applicant's request for a Temporary Commercial Permit (TCP-9385) to allow a Temporary Contractor's Construction Yard on a portion of the subject site. The applicant appealed the denial to the Planning Commission.
- 04/05/06 The City Council approved a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road.
- 03/29/06 The Code Enforcement Division of the Neighborhood Services Department indicated that the site failed to pass a compliance inspection.
- 04/24/06 The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E property being used as commercial storage yard.
- 05/17/06 The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site that are designated both Commercial and Mixed Use.
- 05/25/06 The Planning Commission approved the appeal (DIR-11779) of the Director's decision. This item was final action at Planning Commission. The appeal was to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.

07/24/06 Code Enforcement inspected the subject site and found that the applicant did not comply with Conditions: two (2), three (3), six (6), and seven (7) from Directors Business (DIR-11779). Code Enforcement will re-inspect the subject site on 10/06/06. The non-compliant conditions are included for reference:

2. Conformance to the site and landscape plan date stamped 09/19/05, except as amended by conditions herein.
3. Adequate provision shall be made for vehicle ingress and egress.
6. No storage containers may be stacked one upon the other.
7. The applicant shall submit within then (10) days of this decision a landscape plan for the site that depicts the removal of the existing berm and the relandscaping of the northern edge of the site to meet or exceed Code requirements.

09/07/06 The Planning Commission recommended approval of companion items VAR-14320, VAR-16049, SUP-13836, SUP-14324, SUP-14329 and SDR-13833 concurrently with this application.

09/07/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #25/ss).

B) Pre-Application Meeting

05/31/06 Staff advised the applicant of the submittal requirements for each application, and established that the Rental Store, Major Auto Repair Garage, and Truck Rental uses were present and would require Special Use Permits. Standards for each use and for site development were reviewed. The applicant was advised to increase screening of the storage area.

C) Neighborhood Meetings

08/09/06 Title 19 does not require a neighborhood meeting for this application; however, at the suggestion of the Planning Commission, the applicant did hold a meeting in which 22 members of the public attended. The meeting was to be related to the proposed office project to the east of this site, but most questions were focused on the equipment rental proposal. The following concerns were raised:

- When will the berm be removed?
- Why did the berm not have a permit in the first place?
- Why are the hours of operation exceeding the limit placed by Council in DIR-11779?
- Why has the landscaping required by DIR-11779 not been installed?

- How tall will the rental equipment be?
- What will be stored on site? Can a list of those items be given to the residents?
- Request for no access to Washington
- Request to leave site R-E

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 20.53

B) *Existing Land Use*

Subject Property: Temporary Contractor's Construction Yard and Offices

North: Single-Family Dwellings

South: Equipment Rental Store with Outside Storage

East: Condominiums and Single-Family Dwellings

West: Single-Family Dwellings

C) *Planned Land Use*

Subject Property: C (Commercial – Downtown Redevelopment Designation)
MXU (Mixed-Use – Downtown Redevelopment Designation)

North: R (Rural Density Residential)

South: I (Industrial – Downtown Redevelopment Designation)

East: MXU (Mixed-Use – Downtown Redevelopment Designation)

West: MXU (Mixed-Use – Downtown Redevelopment Designation)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)

R-3 (Medium Density Residential)

C-1 (Limited Commercial)

North: R-E (Residence Estates)

South: R-E (Residence Estates)

C-2 (General Commercial)

C-M (Commercial/Industrial)

East: R-3 (Medium Density Residential)

R-E (Residence Estates)

West: R-E (Residence Estates)

E) General Plan Compliance

The subject site is designated C (Commercial) and MXU (Mixed Use) by the Downtown Redevelopment Area Land Use Map. A wide range of uses, including low to high-density residential, office, retail and other commercial uses are allowed by these designations. The proposed rental office and storage activities are permitted under these land use categories.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
West Las Vegas Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Area

The subject site is part of the Downtown Redevelopment Area, which is a portion of the overall Las Vegas Redevelopment Area. It is designated for both commercial and mixed commercial and residential uses. No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to redevelopment assistance.

West Las Vegas Plan

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District, which restricts the height of buildings to 140 feet in this area of the city. According to Title 19, all development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces is subject to the height standards established on the Airport Overlay Map. The maximum height of the tallest structure proposed on the subject site is 28 feet; therefore, the proposed structures are not subject to the Airport Overlay District standards.

Trails

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail. A Pedestrian Path, which includes a five-foot wide sidewalk and a minimum five-foot wide commonly owned transition strip containing landscaping and streetlights, is also required along Bonanza Road. Since the Pioneer Trail is already in place, all that is required of the developer is construction of the landscaped transition area, which is indicated as a 16-foot buffer on the plans.

Buffer Area for RPOD

The subject site is not located within the Rural Preservation Overlay District (RPOD) as described in Title 19.06.150. Several parcels on the site formerly in the RPOD were recently removed. The northern portion of the property is located within 330 feet of parcels included in the RPOD. Efforts should be taken therefore to preserve a rural character in this area.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required C-2	Provided	Compliance
Min. Lot Size	N/A	0.41 acres	N/A
Min. Lot Width	100 Feet	75 Feet	N
Min. Setbacks			
• Front	20 Feet	N/A	N/A
• Side	10 Feet	N/A	N/A
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	N/A	N/A
Max. Lot Coverage	50 %	N/A	N/A
Max. Building Height	None	N/A	N/A

Title 19 requires conformance to certain development standards, which cannot be altered except through an approved Variance. Some of the existing lots within the development do not meet the minimum lot width standard. If approved, a condition of this approval will require the re-mapping of the site to consolidate the nonconforming parcels, which will conform to C-2 standards.

B) General Analysis and Discussion

The subject area currently is an assortment of residentially and commercially zoned lots, a portion of which were recently approved as a Temporary Contractor's Construction Yard for storage of heavy machinery and building materials. Offices and parking are already established on several of the parcels. The request to C-2 (General Commercial) would allow for uniformity of use across the whole of the applicant's property and would allow the more intense uses the applicant requires. However, some uses permitted within this zoning district are incompatible with large lot single-family and multi-family residential uses adjacent to the north, west and east of the site. Denial is therefore recommended.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The Downtown Redevelopment Area Land Use Plan designates the parcels adjacent to the north side of Bonanza Road as C (Commercial), allowing a wide range of commercial uses. Parcels north of the commercially designated parcels are MXU (Mixed Use), allowing low to high density residential, office, retail, other commercial and public facilities, both adjacent to one another or on the same parcel, if compatible. Rezoning all of the parcels under the same ownership from Clarkway Drive and eastward to C-2 (General Commercial) will conform to both the C and MXU designations.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The C-2 (General Commercial) District allows not only office and retail uses, but also more intense commercial uses such as major auto repair, auto sales and outside storage. These more intense uses are not compatible with existing residential properties adjacent to the site.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The applicant has indicated a need for additional storage for large equipment and materials as a result of area taken for the expansion of the U.S. 95 freeway south of Bonanza Road. While expansion of business activities would require rezoning of land to commercial uses, the subject site is not an appropriate area to do so.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

Bonanza Road, a 100-foot right-of-way as designated on the city's Master Plan of Streets and Highways, serves the area proposed for rezoning. This roadway is of sufficient size to serve the wide range of uses allowed by the proposed C-2 (General Commercial) zoning district.

PLANNING COMMISSION ACTION

At the Planning Commission hearing there were five speakers opposed and six speakers in favor of the application. Opponents called for a traffic and environmental study to be completed immediately, prior to City Council action.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 255 by Planning Dept

APPROVALS 0

PROTESTS 0